

REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 1, 18 and 19 are amended. Support for amended claims 1, 18 and 19 may be found in the original specification at, for example, paragraphs [0042], [0052] and [0053]. No new matter is added. Specifically, the basis for excluding metadata as text data in the claims is found in the description of the text data being of a type, e.g., a newspaper, book and the like, that are clearly not itself metadata.

The courtesies extended to Applicants' representative by Examiner Rush and Examiner Ahmed at the interview held November 27, 2007, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration as the amendments merely further define a term already present in the considered claims; (c) satisfy a requirement of form asserted in the interview; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the Final Rejection and the interview. Entry of the amendments is thus respectfully requested.

Rejection Under 35 U.S.C. §102(e)

Claims 1-20 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 7,197,158 ("Camara"). Applicants respectfully traverse this rejection.

Camara fails to teach or suggest a method for automatically combining a digital image with text data, including (a) receiving electronic data comprising a digital image, (b) automatically classifying the image according to a predetermined set of categories, and (c) automatically selecting text data from the repository that matches the category of the image according to a predetermined criteria, wherein (a), (b) and (c) are executed on one or more servers and wherein text data is not metadata, as recited in claim 1 and 19, and wherein text data is at least one of wherein text data is at least one of a newspaper, book, magazine, brochure, pamphlet or advertisement similarly recited in claim 18.

Camara discloses generating and integrating metadata into images at acquisition (see Camara, column 2, lines 41-44). The Patent Office alleges that metadata reads on text data as recited in claim 1. Applicants respectfully disagree.

Metadata is information that describes data. It provides information about a certain item's content. For example, it is well known that an image may contain metadata describing how large the image is, the color depth, the image resolution, when the image was created, and the like. Furthermore, it is well known that a text document's metadata is, for example, information about how long the document is, who the author is, when the document was written, and a short summary of the document, but metadata would not be the document itself. Paragraphs [0042], [0052] and [0053] of the specification illustrate different types of text data that may be combined with an image. The examples provided are text documents, which, as mentioned above, may include metadata, but are not metadata themselves. Thus, as claims 1 and 19 specifically recite that text data is not metadata and claim 18 recites that text data is at least one of a newspaper, book, magazine, brochure, pamphlet and/or advertisement, which are not metadata, Camara fails to teach or suggest each and every claim feature.

For at least the foregoing reasons, claims 1, 18 and 19, and dependent claims thereof, are patentable over the applied reference. Thus, withdrawal of the rejection under 35 U.S.C. §102(e) is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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